

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 506 be amended to read as follows:

- 1       Page 1, delete lines 10 through 13, begin a new line triple block  
2       indented and insert:  
3               **"(i) the board of county commissioners;**  
4               **(ii) the chief executive officer elected under IC 36-2-2.5;**  
5               **(iii) the board of county supervisors elected under**  
6               **IC 36-2-3.8; or**  
7               **(iv) the executive specified in a reorganization plan**  
8               **under IC 36-1.5-8;**  
9               **as approved by the voters of the county in a public**  
10              **question under IC 36-2-3.9;"**.  
11       Page 2, delete lines 7 through 21, begin a new paragraph and insert:  
12       "SECTION 2. IC 3-8-1-21 IS AMENDED TO READ AS  
13       FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. **(a)** A candidate for  
14       the office of county commissioner must:  
15               (1) have resided in the county for at least one (1) year before the  
16               election, as provided in Article 6, Section 4 of the Constitution of  
17               the State of Indiana; and  
18               (2) have resided in the district in which seeking election, if  
19               applicable, for at least six (6) months before the election.  
20               **(b) This subsection applies to elections after 2011 in a county in**  
21       **which a county chief executive officer is elected under IC 36-2-2.5,**  
22       **a member of a county board of supervisors is elected under**  
23       **IC 36-2-3.8, or a county executive is elected under a reorganization**  
24       **plan under IC 36-1.5-8. A candidate for the office of county chief**  
25       **executive officer, the office of county board of supervisors, or the**  
26       **office of a county executive elected under a reorganization plan**  
27       **under IC 36-1.5-8 must have resided in the county for at least one**  
28       **(1) year before the election, as provided in Article 6, Section 4 of**  
29       **the Constitution of the State of Indiana."**  
30       Page 4, line 13, after "in" insert "  
31               **(i)"**.

1 Page 4, line 15, after "(700,000)" delete "." and insert "; and".

2 Page 4, delete lines 16 through 19, begin a new line triple block  
3 indented and insert:

4 **"(ii) a county in which the voters of the county have in**  
5 **the most recent public question under IC 36-2-3.9**  
6 **approved a county government structure with a board of**  
7 **county commissioners.**

8 **(I) For elections in 2012 and thereafter, a single elected**  
9 **county chief executive officer shall be elected only in a**  
10 **county in which the voters of the county have in the most**  
11 **recent public question under IC 36-2-3.9 approved a**  
12 **county government structure with a single elected county**  
13 **chief executive officer."**

14 Page 4, line 20, delete "(in a county subject to" and insert ".  
15 **However, for elections in 2012 and thereafter, a county council**  
16 **member shall be elected only in a county in which the voters of the**  
17 **county have in the most recent public question under IC 36-2-3.9**  
18 **approved a county government structure with a county council."**

19 Page 4, delete lines 21 through 23, begin a new line double block  
20 indented and insert:

21 **"(K) For elections in 2012 and thereafter, a board of**  
22 **county supervisors shall be elected only in a county in**  
23 **which the voters of the county have in the most recent**  
24 **public question under IC 36-2-3.9 approved a county**  
25 **government structure with a board of county supervisors.**  
26 **(L) For elections in 2012 and thereafter, a county**  
27 **executive, legislative body, or fiscal body member shall be**  
28 **elected as required under a county's reorganization plan**  
29 **under IC 36-1.5-8 in a county in which a reorganization**  
30 **plan has been approved by the voters of the county in the**  
31 **most recent public question under IC 36-2-3.9."**

32 Page 5, line 42, after "in" insert ":

33 **(A)".**

34 Page 6, line 2, after "(700,000)" delete "." and insert "; and".

35 Page 6, delete lines 3 through 6, begin a new double block indented  
36 and insert:

37 **"(B) a county in which the voters of the county have in the**  
38 **most recent public question under IC 36-2-3.9 approved a**  
39 **county government structure with a board of county**  
40 **commissioners.**

41 **(10) For elections in 2012 and thereafter, a single elected**  
42 **county chief executive officer shall be elected only in a county**  
43 **in which the voters of the county have in the most recent**  
44 **public question under IC 36-2-3.9 approved a county**  
45 **government structure with a single elected county chief**  
46 **executive officer."**

47 Page 6, line 7, delete "(in a county subject to" and insert ".

1 **However, for elections in 2012 and thereafter, a county council**  
 2 **member shall be elected only in a county in which the voters of the**  
 3 **county have in the most recent public question under IC 36-2-3.9**  
 4 **approved a county government structure with a county council."**

5 Page 6, delete lines 8 through 10, begin a new line block indented  
 6 and insert:

7 **"(12) For elections in 2012 and thereafter, a board of county**  
 8 **supervisors shall be elected only in a county in which the**  
 9 **voters of the county have in the most recent public question**  
 10 **under IC 36-2-3.9 approved a county government structure**  
 11 **with a board of county supervisors.**

12 **(13) For elections in 2012 and thereafter, a county executive,**  
 13 **legislative body, or fiscal body member shall be elected as**  
 14 **required under a county's reorganization plan under**  
 15 **IC 36-1.5-8 in a county in which a reorganization plan has**  
 16 **been approved by the voters of the county in the most recent**  
 17 **public question under IC 36-2-3.9."**

18 Page 6, line 11, delete "(13)" and insert "(14)".

19 Page 6, line 12, delete "(14)" and insert "(15)".

20 Page 6, line 13, delete "(15)" and insert "(16)".

21 Page 6, line 15, delete "(16)" and insert "(17)".

22 Page 6, line 16, delete "(17)" and insert "(18)".

23 Page 7, line 15, after "in" insert ":

24 **(i)".**

25 Page 7, line 17, after "(700,000)" delete "." and insert "; and".

26 Page 7, delete lines 18 through 21, begin a new line triple block  
 27 indented and insert:

28 **"(ii) a county in which the voters of the county have in**  
 29 **the most recent public question under IC 36-2-3.9**  
 30 **approved a county government structure with a board of**  
 31 **county commissioners.**

32 **(I) For elections in 2012 and thereafter, a single elected**  
 33 **county chief executive officer shall be elected only in a**  
 34 **county in which the voters of the county have in the most**  
 35 **recent public question under IC 36-2-3.9 approved a**  
 36 **county government structure with a single elected county**  
 37 **chief executive officer."**

38 Page 7, line 22, delete "(in a county subject to" and insert "  
 39 **However, for elections in 2012 and thereafter, a county council**  
 40 **member shall be elected only in a county in which the voters of the**  
 41 **county have in the most recent public question under IC 36-2-3.9**  
 42 **approved a county government structure with a county council."**

43 Page 7, delete lines 23 through 25, begin a new line double block  
 44 indented and insert:

45 **"(K) For elections in 2012 and thereafter, a board of**  
 46 **county supervisors shall be elected only in a county in**  
 47 **which the voters of the county have in the most recent**

public question under IC 36-2-3.9 approved a county government structure with a board of county supervisors.

(L) For elections in 2012 and thereafter, a county executive, legislative body, or fiscal body member shall be elected as required under a county's reorganization plan under IC 36-1.5-8 in a county in which a reorganization plan has been approved by the voters of the county in the most recent public question under IC 36-2-3.9."

Page 9, delete lines 40 through 42, begin a new line double block indented and insert:

**"(A) board of county commissioners;**

**(B) chief executive officer elected under IC 36-2-2.5;**

**(C) the board of county supervisors elected under IC 36-2-3.8; or**

**(D) the executive specified in a reorganization plan under IC 36-1.5-8;**

**as approved by the voters of the county in a public question under IC 36-2-3.9."**

Page 10, delete line 1.

Page 10, line 2, delete "(C) the", begin a new line block indented and insert:

**"(3) The".**

Page 10, line 5, delete "(3)" and insert **"(4)"**.

Page 10, line 7, delete "(4)" and insert **"(5)"**.

Page 10, line 8, delete "(5)" and insert **"(6)"**.

Page 10, line 23, delete "(B)" and insert **"(2)"**.

Page 10, delete lines 24 through 27, begin a new line double block indented and insert:

**"(A) the board of county commissioners, chief executive officer elected under IC 36-2-2.5, board of county supervisors elected under IC 36-2-3.8, or executive specified in a reorganization plan under IC 36-1.5-8 (as approved by the voters of the county in a public question under IC 36-2-3.9); and".**

Page 10, line 28, delete "(iii)", begin a new line double block indented and insert:

**"(B)".**

Page 11, delete line 6, begin a new line double block indented and insert:

**"(A) the:**

**(i) board of county commissioners, in a county not subject to IC 36-2-3.5;**

**(ii) county council, in a county subject to IC 36-2-3.5 or in a county that has a single elected county executive;**

**(iii) the board of county supervisors elected under IC 36-2-3.8; or**

**(iv) the legislative body specified in a reorganization plan**

1                   under IC 36-1.5-8;  
2                   as approved by the voters of the county in a public  
3                   question under IC 36-2-3.9; and".

4                   Page 11, line 9, delete "; or" and insert ".".

5                   Page 11, delete lines 10 through 11.

6                   Page 12, delete lines 1 through 2, begin a new paragraph and insert:

7                   "(3) By the following, for county ordinances adopted after  
8                   December 31, 2012:

9                   (A) The board of county commissioners in a county not  
10                  subject to IC 36-2-3.5 and in which the voters have in the  
11                  most recent public question under IC 36-2-3.9 approved a  
12                  county government structure with a board of county  
13                  commissioners.

14                  (B) The legislative body of the county, for any county not  
15                  described in clause (A)."

16                  Page 21, between lines 32 and 33, begin a new paragraph and insert:

17                  "SECTION 33. IC 36-1.5-8 IS ADDED TO THE INDIANA CODE  
18                  AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
19                  UPON PASSAGE]:

20                  **Chapter 8. Reorganization Plan to Be Voted on by County**  
21                  **Voters**

22                  **Sec. 1. In addition to the reorganization allowed under the other**  
23                  **chapters of this article, a county legislative body may adopt a plan**  
24                  **to reorganize the executive, legislative, and fiscal bodies of the**  
25                  **county.**

26                  **Sec. 2. A reorganization plan under this chapter must specify**  
27                  **the individual or group of individuals who will, if approved by the**  
28                  **voters of the county in a public question under IC 36-2-3.9, assume**  
29                  **and carry out the executive, legislative, and fiscal duties and**  
30                  **powers of the county.**

31                  **Sec. 3. If a reorganization plan under this chapter is approved**  
32                  **by the voters of the county in a public question under IC 36-2-3.9,**  
33                  **the reorganization plan takes effect after December 31 of the year**  
34                  **that is two (2) years after the year in which the voters of the county**  
35                  **approve the reorganization plan."**

36                  Page 21, line 37, after "to" insert ":

37                  (1)".

38                  Page 21, line 39, delete "." and insert "; and

39                  (2) a county in which the voters have in the most recent public  
40                  question under IC 36-2-3.9 approved a county government  
41                  structure with a board of county commissioners."

42                  Page 22, delete lines 7 through 21, begin a new paragraph and  
43                  insert:

44                  "Sec. 2. After October 31, 2009, and before November 15, 2009,  
45                  the county legislative body of each county subject to this chapter  
46                  shall after a public hearing adopt a resolution specifying the  
47                  options for county government structure that shall be voted on in

a public question under IC 36-2-3.9. The legislative body shall choose one (1) of the two (2) following groups of options to be voted on in the public question:

(1) A choice for county voters among:

(A) electing a single county chief executive officer under IC 36-2-2.5 who has the executive powers and duties of the county and a county council that has the legislative and fiscal powers and duties of the county;

(B) electing a board of county supervisors under IC 36-2-3.8 that is a combined county executive, legislative body, and fiscal body that has the executive, legislative, and fiscal powers and duties of the county; or

(C) retaining the existing structure of county government.

(2) A choice for county voters among:

(A) one (1) of either:

(i) electing a single county chief executive officer under IC 36-2-2.5 who has the executive powers and duties of the county and a county council that has the legislative and fiscal powers and duties of the county; or

(ii) electing a board of county supervisors under IC 36-2-3.8 that is a combined county executive, legislative body, and fiscal body that has the executive, legislative, and fiscal powers and duties of the county;

as specified by the county legislative body;

(B) retaining the existing structure of county government; or

(C) having a county executive, legislative body, and fiscal body structured as proposed in a plan submitted by the county legislative body under IC 36-1.5-8."

Page 22, line 29, delete ":" and insert "the voters have in the most recent public question under IC 36-2-3.9 approved a county government structure with a county chief executive officer."

Page 22, delete lines 30 through 35.

Page 29, line 20, after "or" insert "after December 31, 2012, the county executive (in a county that has a board of county commissioners) or".

Page 29, line 21, delete "(after December 31, 2012)" and insert "(in a county that does not have a board of county commissioners)".

Page 29, line 24, after "or" insert "after December 31, 2012, the county executive (in a county that has a board of county commissioners) or".

Page 29, line 25, delete "(after December 31, 2012)" and insert "(in a county that does not have a board of county commissioners)".

Page 31, line 4, after "to" insert ":

(1)".

Page 31, line 6, delete "." and insert "; and

(2) a county described in subsection (a)(1)(B) in which the

voters have in the most recent public question under IC 36-2-3.9 approved a county government structure with a board of county commissioners."

Page 33, line 4, delete ":" and insert "the voters have in the most recent public question under IC 36-2-3.9 approved a county government structure with a county chief executive officer and a county council as the legislative body and fiscal body of the county."

Page 33, delete lines 5 through 10.

Page 34, line 17, delete ":" and insert "the voters have in the most recent public question under IC 36-2-3.9 approved a county government structure with a county board of supervisors as the executive body, legislative body, and fiscal body of the county."

Page 34, delete lines 18 through 23.

Page 37, delete lines 16 through 36, begin a new paragraph and insert:

**"Sec. 2. In a county to which this chapter applies, the choices concerning county government structure, as determined by the county legislative body under IC 36-2-2.4, shall be placed on the ballot at 2010 general election held in the county."**

Page 37, line 37, delete "4." and insert "3."

Page 37, delete lines 39 through 42, begin a new paragraph and insert:

**"Sec. 4. (a) If a plurality of the voters who vote on the public question vote in favor of reorganizing county government to place executive powers in a single elected county executive and to place legislative powers in the county council (if that choice is on the ballot), IC 36-2-2.5 applies to the county.**

**(b) If a plurality of the voters who vote on the public question vote in favor of reorganizing county government to place executive, legislative, and fiscal powers in a board of county supervisors, and to not have a separate elected county executive (if that choice is on the ballot), IC 36-2-3.8 applies to the county.**

**(c) If a plurality of the voters who vote on the public question vote in favor of retaining the county's current structure of government, that current structure is retained.**

**(d) If a plurality of the voters who vote on the public question vote in favor of reorganizing the county's government as specified in a reorganization plan under IC 36-1.5-8 (if that choice is on the ballot), the county's executive, legislative, and fiscal powers are reorganized as specified in the reorganization plan.**

**Sec. 5. (a) Except as provided in subsection (d), after the initial public question in 2010, an additional public question on the structure of county government shall be held in each county every twenty (20) years thereafter.**

**(b) At an additional public question held under this section, the voters of the county shall determine the structure of county**

- 1 government for the following twenty (20) years.
- 2 (c) At an additional public question held under this section, the
- 3 voters of the county shall vote on the following choices:
- 4 (1) A choice to retain the existing structure of county
- 5 government.
- 6 (2) A choice to change to a different structure of government
- 7 authorized under IC 36-2-2.4.
- 8 (d) An additional public question is not required to be held
- 9 under this section if, at least one (1) year before the public question
- 10 would otherwise be held, a petition that:
- 11 (1) is signed by at least twenty-five percent (25%) of the
- 12 eligible voters of the county; and
- 13 (2) requests that the public question not be held;
- 14 is submitted to the county executive. "
- 15 Page 38, delete lines 1 through 6.
- 16 Page 40, line 1, after "county" insert "in which the voters of the
- 17 county have in the most recent public question under IC 36-2-3.9
- 18 approved a county government structure with a board of county
- 19 commissioners or in a county".
- 20 Renumber all SECTIONS consecutively.
- (Reference is to SB 506 as printed February 6, 2009.)

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Senator YOUNG R MICHAEL